

Attorney Docket No.: 5723-200255
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick L. Bixler et al. Confirmation No. 5482
Serial No.: 10/752,074 Senior Attorney: Paul Shanoski
Filed: January 5, 2004
For: Tamper Indicating Closure With Foldable Tab

Petition Under 37 CFR 1.183 Requesting Waiver of 37 CFR 1.48(a)(3)

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Paul Shanoski (Senior Attorney)

Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office

Sir:

This is in response to the 25 June 2007 Decision On Two Petitions. The Decision states that applicants' petition under 37 CFR 1.48 (to correct the inventorship in the present application by adding David F. Krueger) is dismissed for failure to comply with 37 CFR 1.48(a)(3) (or to file a 37 CFR 1.183 petition requesting waiver of 37 CFR 1.48(a)(3)) and because the declaration that was submitted is defective.

Corrected declarations signed by Messrs. David F. Krueger and Frederick L. Bixler are filed with this petition. The corrected declarations correct the defect noted in the Decision, i.e., the corrected declarations acknowledge the duty to disclose information "material to the patentability of this application."

Applicants hereby petition under 37 CFR 1.183 for waiver of the 37 CFR 1.48(a)(3) requirement for an oath or declaration signed by inventors Doug Coners and Don Rochow. Waiver is necessary because inventors Doug Coners and Don Rochow cannot be reached or refuse to sign the oath or declaration.

Don Rochow cannot be reached. His last known address is 252 Aldridge Court, Reading, PA 19606. We have sent, via U.S. Postal Service Certified mail, two packages (containing a copy of the application, declaration for signature and cover letter requesting he review the application, sign the declaration and return) to him at this address and both have been returned marked "ATTEMPTED NOT KNOWN". A copy of the face of each returned package accompanies this petition. The undersigned has spoken with a person at Mr. Rochow's last employer and confirmed that they have no forwarding address, phone number or other contact information for him. The undersigned has attempted an Internet search to locate Mr. Rochow's new address, phone number or other contact information and confirms that such search did not produce any such contact information for Mr. Rochow.

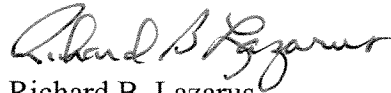
Mr. Coners has left the employ of the assignee of the present application. Two packages (containing a copy of the application, declaration for signature and cover letter requesting he review the application, sign the declaration and return) have been sent, via U.S. Postal Service Certified mail, to Doug Coners. The first was sent to his address in Scottsville, Kentucky and was forwarded to his new address at 120 O'Shaw Drive, Foley, Missouri 63347. A copy of the forwarding tracking notice is enclosed. The forwarding tracking notice (dated 5/4/2007) states that "a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender." The package was not returned to the sender and is presumed to have been picked up by Mr. Coners. No response to the first package was received so a second package was sent to Doug Coners at 120 O'Shaw Drive, Foley, Missouri 63347. The second package was received (see copy of the accompanying USPS track and confirm notice of August 6, 2007 confirming delivery on 30 July 2007). Mr. Coners has not returned the declaration and because he has not shown any indication that he will sign the declaration, the undersigned has tried on several occasions to speak with Mr. Coners to obtain his signature. To date Mr. Coners has acknowledged receipt of the declaration and other papers, but has not agreed to sign the declaration and has made no effort to convey a signed declaration to the undersigned. In light of Mr. Coners receipt of the papers (in May 2007 and again in July 2007) with no response providing a signed declaration and with no indication that he will sign the declaration, it is concluded that Mr. Coners actions, in effect, are a refusal to execute the declaration for the present application.

For all of the above reasons, waiver of the 37 CFR 1.48(a)(3) requirement for an oath or declaration signed by inventors Doug Coners and Don Rochow is, respectfully, requested.

Please charge any necessary petition fee and any additional fees for this petition and correction of the application to the deposit account of Barnes & Thornburg 10-0435 (5723-200255).

Respectfully submitted,

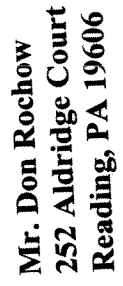
BARNES & THORNBURG LLP

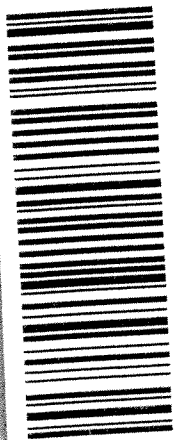
A handwritten signature in cursive script, appearing to read "Richard B. Lazarus".

Richard B. Lazarus

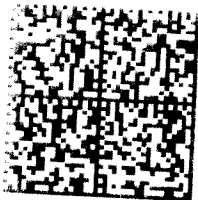
Reg. No. 48,215

Tel. No. (202) 371-6348





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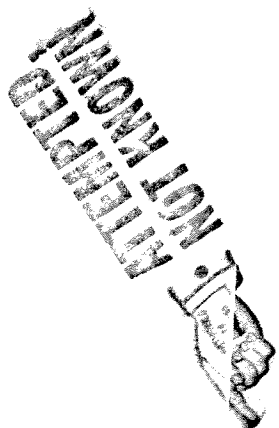
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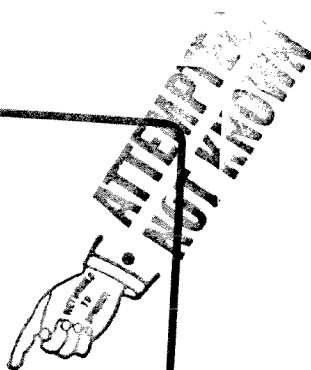
04/24/2007

Mailed From 20006

US POSTAGE



From:	BARNES & THORNBURG LLP 750 17TH ST. N.W., SUITE 900 WASHINGTON, DC 20006 USA
TO:	Mr. Don Rochow 252 Aldridge Court Reading, PA 19606



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Track & Confirm

Search Results

Label/Receipt Number: **7006 2150 0001 1204 0261**
Status: **Notice Left**

We attempted to deliver your item at 1:40 PM on April 30, 2007 in FOLEY, MO 63347 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article

Mr. I
3580
Scott

CONE580 421642037 1506 10 04/27/07
NOTIFY SENDER OF NEW ADDRESS
CONERS
120 O SHAW DR #
FOLEY MO 63347-3211



COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Lucretia Coners*

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/4/07

D. Is delivery address different from item 1?

☐ Yes☒ No☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7006 2150 0001 1204 0261

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

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Status: **Delivered**

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